

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	Case Nos.	1:02-cr-0004
Plaintiff-Respondent,	:		1:05-cv-0821
	:		
v.	:	<u>Response of the United States in</u>	
	:	<u>Opposition to Defendant's Motion to</u>	
	:	<u>Vacate Sentence</u>	
STEVEN JONES,	:		
Defendant-Movant.	:	JUDGE S. ARTHUR SPIEGEL	
	:		

This matter is before the Court on Defendant Steven Jones's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. (R. 43, Motion to Vacate). Jones pled guilty to bank robbery and was sentenced to a 100-month term of imprisonment in June of 2002. (R. 40, Judgment). He did not appeal, thereby procedurally defaulting all claims that could have been raised.

On December 22, 2005, he filed the instant motion to vacate sentence, arguing that he was sentenced in violation of *United States v. Booker*, 125 S. Ct. 738 (2005). The Sixth Circuit has held, however, that *Booker* is not applicable to cases on collateral review. *Humphress v. United States*, 398 F.3d 855, 863 (6th Cir.), *cert. denied*, 126 S. Ct. 199 (2005). Jones's motion should therefore be denied.

Respectfully submitted,

GREGORY G. LOCKHART
United States Attorney


BENJAMIN C. GLASSMAN (0077466)

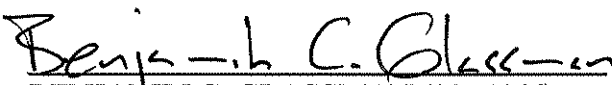
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Response of the United States in Opposition to Defendant's Motion to Vacate Sentence was served this 4th day of January, 2006 upon

Steven Jones
Prisoner Registration # 03507061
U.S.P. Big Sandy
P.O. Box 2068
Inez, KY 41224

by regular U.S. mail.


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